

REMARKS

Claims 1-3 and 6-14 are now pending in this application for which applicant seeks reconsideration.

Request for Interview

Applicant requests an interview after the examiner has had the opportunity to review this Submission. Applicant will contact the examiner in due course to schedule an interview. Should the examiner, however, need to act on this Submission before the undersigned has scheduled an interview, applicant requests the examiner to contact the undersigned to schedule an interview.

Amendment

Claim 4 has been canceled and claims 1-3, 7, 8, 10, and 13, and 14 have been amended to improve their form and clarity. Specifically, each of independent claims 1, 13, and 14 have been amended to recite scanning, instead of recognizing, a system identification code used by another wireless base station, and automatically setting the system identification code. No new matter has been introduced.

Art Rejection

Claims 1-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wilkes (USPGP 2003/0058818) in view of Hodoshima (USPGP 2003/0115339). Applicant submits that the pending claims clearly define over these references because these references would not have disclosed or taught automatically setting the system identification code of a wireless base station different from that of a different wireless base station, as set forth in independent claims 1, 13, and 14.

Independent claims 1, 13, and 14 as presently amended call for scanning a system identification code (e.g., SSID) for identifying a wireless communication network controlled by another wireless base station in a current wireless base station, and automatically setting the system identification code for the wireless communication network of the current wireless base station different from that of the scanned system identification code of another wireless base station.

First, to reject a claim under § 103, the seminal Supreme Court case, *Graham v. John Deere*, requires the examiner to first establish a prima facie case of obviousness. To do this,

the PTO must identify a teaching or suggestion of the desirability of doing what the inventor here has done. That is, to establish that the claimed invention is directed to an obvious subject matter, either the applied references must expressly or implicitly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why an ordinary artisan would have found the claimed invention obvious in light of the teachings of the applied references. See MPEP §§ 2142, 2143. The suggestion or the examiner's reasoning, however, must be objective and supported by evidence. Here, the examiner points to no objective teaching for automatically setting an SSID that is different from those used by others. Without first establishing a prima facie case of obviousness, the examiner improperly imposes the burden of proving non-obviousness to applicant. It is the PTO's obligation to prove obviousness, not applicant to prove non-obviousness.

Second, in contrast to the examiner's assertion, setting an SSID is not identical to dynamically configuring an IP address using a DHCP server. Indeed, an SSID needs to be identical in all communicating devices to communicate with the same network, whereas an IP address has to be different for each communicating device to communicate with the same network. The examiner has not provided any rational or motivation for automatically setting a different SSID as presently claimed. The examiner's argument that "[i]f the base station wireless interfaces of Wilkes et al. were slightly modified to comply with IEEE 802.11 specification and modeled to modify the SSID as taught by Hodoshima then the base stations of Wilkes et al. could be used by WLAN in a plug and play type environment" is not based on any teachings of prior art, but merely examiner's conjecture based solely on improper hindsight gleaned from the present disclosure. Accordingly, even if the combination urged by the examiner were deemed proper for argument's sake, the combination would not have taught the claimed invention.

Conclusion

Applicant submits that claims 1-3 and 6-14 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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01 MARCH 2007

DATE

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REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

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